

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LORI BROWN,

Plaintiff,

v.

ASSET ACCEPTANCE, LLC,

Defendant.

Case No. 1:17-cv-795

HON. JANET T. NEFF

_____ /

ORDER

Plaintiff filed this putative class action case alleging a single claim under the Fair Debt Collection Practices Act (FDCPA), 15 U.S.C. § 1692 *et seq.*, and the Michigan Regulation of Collection Practices Act (MRCPA), MICH. COMP. LAWS § 445.251 *et seq.* Now pending before the Court are Plaintiff's Pre-Motion Conference Requests, proposing to file a motion for class certification (ECF No. 144) and a motion for summary judgment (ECF No. 145). Defendant filed responses to both Pre-Motion Conference Requests (ECF Nos. 146 & 147). Having considered the parties' submissions and being familiar with the case circumstances, the Court will, in its discretion, permit briefing on the dispositive question posed by Plaintiff—"whether displaying the words 'Defendant's name and address (judgment debtor)' ... violates 15 U.S.C. § 1692f(8) ... and MICH. COMP. LAWS § 445.252(m)..." (ECF No. 145 at PageID.1102)—before turning to the topic of class certification. Accordingly:

IT IS HEREBY ORDERED that the parties shall proceed with briefing Plaintiff's proposed Motion for Summary Judgment (ECF No. 145) in accordance with the following schedule:

- (1) Plaintiff's Motion and Brief, limited to 15 pages, shall be served and a proof of service filed not later than January 14, 2019;
- (2) Defendant's Response, limited to 15 pages, including any request for Summary Judgment in its favor, FED. R. CIV. P. 56(f)(1), shall be served and a proof of service filed within 28 days of service of the Motion;
- (3) Plaintiff's Reply, limited to 7 pages, shall be served and a proof of service filed within 14 days of service of the Response;
- (4) Defendant's Sur-Reply, if any, limited to 7 pages, shall be served and a proof of service filed within 14 days of service of the Reply; and
- (5) The parties shall electronically file their respective motion papers as soon as the motion is fully briefed.

IT IS FURTHER ORDERED that the parties shall collaborate and file a Joint Statement of Material Facts in conjunction with the motion, setting forth in numbered paragraphs, separate, short and concise statements of the material facts that are not in dispute. The Joint Statement shall be filed as a separate document on CM/ECF. To the extent the parties rely on additional material facts to support their arguments, those facts shall be concisely set forth in their respective motion briefs.

IT IS FURTHER ORDERED that the parties shall collaborate and file a Joint Exhibit Book to avoid duplicative exhibits.

IT IS FURTHER ORDERED that the parties shall otherwise adhere to the requirements for briefing and filing dispositive motions, as set forth in Judge Neff's Information and Guidelines for Civil Practice, available on the Court's website (www.miwd.uscourts.gov).

IT IS FURTHER ORDERED that the parties shall adhere to this Court's February 9, 2016 Administrative Order No. 16-MS0-017 when referencing a page of the record.

IT IS FURTHER ORDERED that a briefing schedule on Plaintiff's proposed motion for class certification (ECF No. 144) is DENIED WITHOUT PREJUDICE to re-filing at a later date.

IT IS FURTHER ORDERED that the remaining dates in the Case Management Order are ADJOURNED without date.

Dated: December 14, 2018

/s/ Janet T. Neff
JANET T. NEFF
United States District Judge